IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

APPEAL NO.277 OF 2005
IN
NOTICE OF MOTION NO.2380 OF 2002
IN
SUIT NO.3168 OF 2001

Nitin Gordhanbhai Thakkar & ors. — Appellants
vs.
Shri Babulnath Navyuvak
Ganeshotsav Samiti — Respondents

Mr.A.Y.Bokwala with Mr.Jariwala i/b. M/s.Thakore Jariwala & Associates for the appellants.

Mr.A.D.Shetty for the respondents.

CORAM : R. M. LODHA &
J.P. DEVADHAR,JJ.

DATED : 20th June 2005

P.C.

Heard.

2. In the impugned order the learned motion Judge observed that the relief prayed for in the notice of motion had become infructuous. However, while holding so the learned motion Judge observed that the proper forum for the plaintiffs would be to approach the office of the Charity Commissioner for appropriate order. It is this observation which has necessitated the filing of the appeal by the plaintiffs. Once the learned motion Judge held that the relief sought for in the notice of

motion become infructuous, obviously, nothing further needed to be observed. We clarify that the said observation made by the learned motion Judge is not a final opinion in the matter and shall not affect the plaintiff's claim in the suit.

3. The appeal is disposed of in the aforesaid terms.

(R.M. LODHA,J.)

(J.P. DEVADHAR,J.)